

## REMARKS/ARGUMENTS

### Drawings

Examiner has stated that the drawings are objected to because the labeling of FIGS. 1 and 2 is confusing. In response, Applicant has amended FIG. 1 so that the figure label and prior art marking is under the drawing and Applicant has amended FIG. 2 so that the figure label is under the drawing.

### Claim Rejections

#### 35 USC 102

Examiner has rejected Claims 1 and 30 under 35 USC 102(b) as being anticipated by Bassett. In response, Applicant has amended Claims 1 and 30 to contain the limitation “wherein said remote computer is programmed to display a control page”. Applicant describes control pages thoroughly in the application. For example, the control page shown in FIG. 6 is an “Owner Page”, FIG. 8 shows a “Dealer Page”, FIG. 11 shows a “Spa Manufacturer Page”, and FIG. 12 shows a “Spa Controller Manufacturer Page”. Also, on page 10 of the application, Applicant explains that for a spa service technician, a preferred page is “similar to the dealer display discussed above and shown in FIG. 8. By analysis of this data, the service technician will be able to more effectively determine the required solution to repair the spa.”

Applicant’s control pages are specifically designed to allow the operator of the remote computer to perform functions and gather data unique to his classification (i.e., spa owner, spa manufacturer, spa dealer, spa controller manufacturer, or spa service technician). For example, the needs and preferences of a spa owner differ from the needs and preferences of a spa dealer or a spa controller manufacturer. Therefore, Applicant has designed control pages to reflect these differences. The control pages are discussed in detail from pages 7 – 11.

In contrast, Bassett merely discusses connectivity. The appearance of a control page is not discussed at all. Indeed, the words “page” and “screen” are never even mentioned in Bassett. It is not disclosed in Bassett how an operator interfaces with the remote

computer to control the spa or what types of parameters can be remotely operated or controlled. Certainly, there is no discussion of varying the control page with respect to the classification of the operator.

Applicant's control pages are geared towards the needs and preferences of the operator of the remote computer. For example, by using the Spa Dealer page (FIG. 8), a spa dealer can offer to the customer the service of monitoring the customer's spa after the spa has been installed at the customer's residence. In this manner, a dealer can advise a customer when an error has occurred or when servicing is required. Also, by utilizing the Spa Controller Manufacturer page, a spa controller manufacturer can set the maximum allowable temperature inside the spa at a value in accordance with industry regulations. Currently this value is 104 degrees F. As a safety feature, only the spa controller manufacturer can adjust this value via the Spa Controller Manufacturer page. An operator having a different control page (i.e., spa owner, spa manufacturer, spa dealer, or spa service technician) cannot adjust the maximum allowable temperature inside the spa.

#### Amended and New Claims 31 – 44.

Applicant has also amended Claims 16 – 20 and has added new Claims 31 – 44.

#### New Claims 45 and 46

Applicant has added new independent Claims 45 and 46. Applicant's interface signal converter includes an interface signal converter CPU. The CPU is programmed so that the interface signal converter can receive either wireless or wire transmitted communication signals. To achieve this, the interface signal converter includes buffers that operate to prevent data collisions in the event that wireless and wire transmitted signals are being received simultaneously (see discussion bottom of page 5). Also, the interface signal converter includes enabling lines 88 and 86 (page 6) to allow spa controller to transmit either wireless or via a wire transmission line. These are features that allow the system to transmit or receive wireless or wire transmitted information. Because these features are neither shown nor suggested by the references, Claims 1 and 30 should now be allowable.

New Claims 47 – 138

The applicant would like to direct the Examiner's attention to the following emphasized limitations of claims 47 and 65.

47. *A remotely controlled and monitored spa, comprising:*

*A) a spa controller,*

*B) an interface signal converter, adapted to be releasably connected to said spa controller, when connected to said spa controller said interface signal converter establishing a first communication link with said spa controller, said interface signal converter being adapted to establish a second communication link with a remote computing device, when said interface signal converter is connected to said spa controller, said interface signal converter being adapted for:*

- converting communication signals transferred from the remote computing device via said second communications link to derive converted signals;*
- directing the converted signals to said spa controller over said first communication link;*
- converting signals transferred from said spa controller over said first communication link to derive signals to be communicated to the remote computing device via said second communications link.*

65. *A remotely controlled and monitored spa, comprising:*

*A) spa controller means,*

*B) an interface signal converter means, adapted to be releasably connected to said spa controller means, when connected to said spa controller means said interface signal converter means establishing a first communication link with said spa controller means, said interface signal converter means being adapted to establish a second communication link with a remote computing device, when said interface signal converter means is connected to said spa controller means, said interface signal converter means being adapted for:*

- converting communication signals transferred from the remote computing device via said second communications link to derive converted signals;*
- directing the converted signals to said spa controller means over said first communication link;*
- converting signals transferred from said spa controller means over said first communication link to derive signals to be communicated to the remote computing device via said second communications link.*

Claims 47 and 65 have been amended in order to incorporate the subject matter of former claim 8 as originally filed.

Firstly, as indicated by the examiner at paragraph 18 of the office action, Basset et al. does not teach or suggest the above emphasized limitations of amended claims 47 and 65. Consequently the applicant respectfully agrees that claim 47 and 65 are not anticipated nor rendered obvious by Basset et al..

Secondly, the applicant respectfully submits that claims 47 and 65 as amended are not rendered obvious by Basset et al. in combination with the references cited by the examiner.

According to the MPEP §706.02(j), in order for the Examiner to establish a *prima facie* case of obviousness three basic criteria must be met. Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Secondly, there must be a reasonable expectation of success. And thirdly, the prior art references must teach or suggest all of the claim limitations. [MPEP § 706.02(j), 2142 (8th ed)].

The applicant respectfully submits that the first requirement of a *prima facie* case of obviousness, namely the presence of a suggestion or motivation to modify the reference or to combine the reference teachings, has not been satisfied.

In the Office Action, the Examiner has indicated that “*it would have been obvious to one of ordinary skill in the art at the time of the invention to use the removable modules and cavity of Williams in the spa of Bassett because they share the same problem of dampness and wet conditions. It would have been obvious to one looking to solve this problem to look in any art where large amounts of water are involved.*”

The applicant respectfully submits that the Examiner did not indicate where in the references, or in the knowledge available to one of ordinary skill in the art, there is a motivation or suggestion to combine the reference teachings. The examiner cites the problem of dampness and wet conditions as the motivating factor for combining Bassett et al. and Williams et al. Nowhere in Bassett is there any mention of this problem. As such, the Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness.

For the above reasons, the applicant respectfully submits that there are no grounds for an obviousness rejection of independent claims 47 and 65 on the basis of Bassett et al. in light of Williams et al.. The applicant also submits that there are no grounds for rejection on the basis of Bassett et al. in light of the other references cited by the examiner.

Consequently, the applicant respectfully submits that claims 47 and 65 and all claims dependent on claims 47 and 65 are patentable.

Claims 75-100

Claim 75 reads as follows:

*75. A control system suitable for use in controlling a spa, said control system comprising:*

- a) a spa controller;*
- b) an interface signal converter, adapted to be releasably connected to said spa controller, when connected to said spa controller said interface signal converter establishing a first communication link with said spa controller, said interface signal converter being adapted to establish a second communication link with a remote computing device, when said interface signal converter is connected to said spa controller, said interface signal converter being adapted for:*
  - i. converting communication signals transferred from the remote computing device via said second communications link to derive converted signals;*
  - ii. directing the converted signals to said spa controller over said first communication link;*
  - iii. converting signals transferred from said spa controller over said first communication link to derive signals to be communicated to the remote computing device via said second communications link.*

For the same reasons as those described with reference to claims 47 and 65, claim 75 is neither anticipated nor rendered obvious by the references cited by the examiner.

Claims 76-100 depend directly or indirectly on claim 75 and therefore included by reference all its limitations. Therefore, the applicant respectfully submits that claims 76-100 are also patentable.

Claims 101 -109

Claim 101 reads as follows:

*101. A control system suitable for use in controlling a spa, said control system comprising:*

- a) a spa controller;*
- b) an interface signal converter in communication with said spa controller, said interface signal converter having:*
  - i. a first interface for receiving signals over a first communication link;*

- ii. *a second interface for receiving signals over a second communication link distinct from said first communication link;*
- iii. *a processing unit adapted for:*
  - 1. *selecting one of said first interface and said second interface on the basis of an input selection signal;*
  - 2. *processing signal received at the selected one of said first interface and said second interface to derive a converted signal, said converted signal being compatible with said spa controller;*
- iv. *a third interface for directing said converted signal to said spa controller.*

None of the references cited by the examiner, alone or in combination, teaches or suggests the above emphasized limitations of claim 101.

Consequently, the applicant respectfully submits that claim 101 is patentable.

Claims 102-109 depend directly or indirectly on claim 101 and therefore included by reference all its limitations. Therefore, the applicant respectfully submits that claims 102 to 109 are also patentable.

#### Claims 110-121

Claim 110 reads as follows:

*110. An interface signal converter suitable for use in spa control system including a spa controller, said interface signal converter comprising:*

- i. *a first interface adapted to be releasably connected to the spa controller, when connected to the spa controller said first interface being operative for exchanging signals over a first communication link;*
- ii. *a second interface for establishing a second communication link with a remote computing device;*
- iii. *a processing unit adapted for:*
  - 1. *converting communication signals transferred from the remote computing device via said second communications link and received at said second interface to derive converted signals;*
  - 2. *directing the converted signals to said spa controller via said first interface.*

For reasons similar to those described in connection with claims 47 and 65, the applicant respectfully submits that none of the references cited by the examiner teaches or suggests the above emphasized limitations of claim 110.

Consequently, the applicant respectfully submits that claim 110 is patentable.

Claims 111-121 depend directly or indirectly on claim 110 and therefore included by reference all its limitations. Therefore, the applicant respectfully submits that claims 111-121 are also patentable.

Claims 122-126

Claim 122 reads as follows:

*122. A control system suitable for use in controlling a spa, said control system comprising:*

- a) a spa controller including:*
  - i. a memory module for storing a first program element including a set of instructions for use in controlling a spa;*
  - ii. a processor in communication with the memory module, said processor being adapted for executing the set of instructions;*
- b) an interface signal converter adapted for:*
  - i. establishing a first communication link with said spa controller;*
  - ii. establishing a second communication link with a remote computing device;*
  - iii. converting communication signals transferred from the remote computing device via said second communications link to derive converted signals;*
  - iv. directing the converted signals to said spa controller over said first communication link;*
  - v. at least some communication signals transferred from the remote computing device via said second communications link being indicative of a second program element, said second program element being operative for causing the first program element to be upgraded.*

None of the references cited by the examiner, alone or in combination, teaches or suggests the above emphasized limitations of claim 122.

Consequently, the applicant respectfully submits that claim 122 is patentable.

Claims 123-126 depend directly or indirectly on claim 122 and therefore included by reference all its limitations. Therefore, the applicant respectfully submits that claims 122-126 are also patentable.

Claim 127

Claim 127 reads as follows:

127. *A control system suitable for use in remotely controlling a spa, said control system comprising:*
- a) a first computing device implementing a user interface for conveying information to a user of the control system, the information conveyed being associated to the spa;*
  - b) a spa controller including an interface module for exchanging signals with the first computing device over a first communication link;*
  - c) said first computing device being adapted for establishing, over a computer network, a second communication link with a second computing device distinct from said first computing device such as to allow the spa controller and second computing device to exchange data over a data communication path formed by the first communication link and the second communication link.*

None of the references cited by the examiner, alone or in combination, teaches or suggests the above emphasized limitations of claim 127.

More specifically, none of the references cited teaches or suggests a first computing device “*implementing a user interface for conveying information to a user of the control system*” where the first computing device is “*adapted for establishing [...] a second communication link with a second computing device distinct from said first computing device such as to allow the spa controller and second computing device to exchange data over a data communication path formed by the first communication link and the second communication link*”.

Consequently, the applicant respectfully submits that claim 127 is patentable.

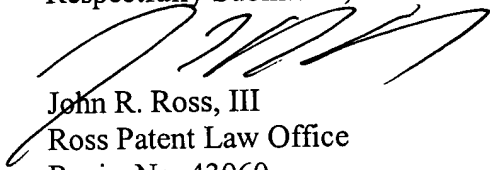


Claims 128-138 depend directly or indirectly on claim 127 and therefore included by reference all its limitations. Therefore, the applicant respectfully submits that claims 128-138 are also patentable.

#### CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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